

Belgium¹

COMMERCE AND NAVIGATION

Treaty signed at Brussels November 10, 1845

Ratified by Belgium January 17, 1846

Senate advice and consent to ratification March 26, 1846

Ratified by the President of the United States March 30, 1846

Ratifications exchanged at Washington March 30, 1846

Entered into force March 30, 1846

Proclaimed by the President of the United States March 31, 1846

*Terminated August 20, 1858*²

8 Stat. 606; Treaty Series 19³

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE BELGIANS

The United States of America, on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner, their reciprocal relations of commerce and navigation, and further to strengthen through the development of their interests respectively, the bonds of friendship and good understanding, so happily established between the Governments and People of the two countries; and desiring with this view, to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both states, have, to that effect, appointed as their Plenipotentiaries, namely: The President of the United States Thomas G. Clemson, Chargé d'affaires of the United States of America

¹ See also *post*, BELGO-LUXEMBOURG ECONOMIC UNION.

² Pursuant to notice of termination given by Belgium Aug. 20, 1857. However, a declaration signed July 17, 1858, by the Secretary of State and the Belgian Chargé provided that "... it is hereby declared to be the wish and intention of the Undersigned that the commercial relations of the two countries shall, after the latter date [Aug. 20, 1858], continue on the same footing as previously until the stipulations of the Convention signed this day [TS 20, *post*, p. 454] shall have gone into effect as therein provided."

³ For a detailed study of this treaty, see 4 Miller 761.

to His Majesty the King of the Belgians—And His Majesty the King of the Belgians, M. Adolphe Dechamps, officer of the order of Leopold., Knight of the order of the red Eagle of the first class, Grand Cross of the order of St Michel of Bavaria, His Minister for Foreign Affairs, a member of the Chamber of Representatives, Who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed and concluded the following articles.

ARTICLE I

There shall be full and entire freedom of commerce and navigation, between the inhabitants of the two countries; and the same security and protection, which is enjoyed by the citizens or subjects of each country, shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities or places whatever, of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts, than those which shall be levied on citizens or subjects of the country, in which they may be; and the privileges, immunities and other favours, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two states, shall be common to those of the other.

ARTICLE II

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends, not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, [countries [counties], districts, townships, corporations, or any other divisions or jurisdiction, whatever may be its designation.

ARTICLE III

Reciprocally, vessels of the United States, whether coming from a port of said states, or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally, other charges whatever, than are required from Belgian vessels, in similar cases. This provision extends not only to duties levied for the benefit of the state, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever be its designation.

ARTICLE IV

The restitution by Belgium, of the duty levied by the Government of the Netherlands, on the navigation of the scheldt, in virtue of the third paragraph, of the ninth article, of the Treaty of April nineteenth, eighteen hundred and thirty nine, is guarantied to the vessels of the United States.

ARTICLE V

Steam vessels of the United States and of Belgium, engaged in regular navigation, between the United States and Belgium, shall be exempt in both countries, from the payment of duties of tonnage, anchorage, buoys, and light-houses.

ARTICLE VI

As regards the coasting trade, between the ports of either country, the vessels of the two nations shall be treated on both sides, on the same footing with the vessels of the most favoured nation.

ARTICLE VII

Articles of every description, whether proceeding from the soil, industry or warehouses of Belgium, directly imported therefrom, into the ports of the United-States, in Belgian vessels, shall pay no other or higher duties of import, than if they were imported under the flag of said States.

And, reciprocally, articles of every description directly imported into Belgium from the united states, under the flag of the said states, shall pay no other or higher duties, than if they were imported under the Belgian flag.

It is well understood:

1°, that the goods shall have been really put on board, in the ports from which they are declared respectively to come.

2°, that a putting-in at an intermediate port, produced by uncontrollable circumstances, duly proved, does not occasion the forfeiture of the advantage allowed to direct importation.

ARTICLE VIII

Articles of every description, imported into the United States, from other countries than Belgium, under the Belgian flag, shall pay no other, or higher duties whatsoever, than if they had been imported under the flag of the most favoured foreign nation, other than the flag of the country from which the importation is made. And reciprocally, articles of every description, imported under the flag of the United States into Belgium from other countries than the United States, shall pay no other or higher duties whatsoever, than if they had been imported under the flag of the foreign nation most favoured, other than that of the country from which the importation is made.

ARTICLE IX

Articles of every description, exported by Belgian vessels, or by those of the United States of America, from the ports of either country, to any country whatsoever, shall be subjected to no other duties or formalities, than such as are required for exportation, under the flag of the country where the shipment is made.

ARTICLE X

All premiums, drawbacks, or other favours of like nature, which may be allowed in the states of either of the contracting parties, upon goods imported or exported in national vessels, shall be likewise, and in the same manner, allowed upon goods imported directly from one of the two countries, by its vessels, into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

ARTICLE XI

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself, the faculty of granting special privileges, for the importation of those articles, under its own flag.

ARTICLE XII

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which being provided by the competent authority with a passport, Sea Letter, or any other sufficient document, shall be recognised conformably with existing laws, as national vessels in the country to which they respectively belong.

ARTICLE XIII

Belgian vessels and those of United States may, conformably with the Laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board, or upon reexportation, to any charges whatsoever, other than those for the prevention of smuggling.

ARTICLE XIV

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country, into the other, while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges, or to other formalities, than if they had been imported under the flag of the country.

ARTICLE XV

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favour, privilege, or immunity to any other state, which shall not instantly become common to the citizens and subjects of both parties, respectively; gratuitously, if the concession or favour to such other state is gratuitous, and on allowing the same compensation or its equivalent, if the concession is conditional.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party which may be imported into its ports, any other or higher duties of importation or reexportation than are laid upon the importation and re-exportation of similar goods coming from any other foreign country.

ARTICLE XVI

In cases of shipwreck, damages at Sea, or forced putting-in, each party shall afford to the vessels of the other, whether belonging to the state or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases.

ARTICLE XVII

It is moreover agreed between the two contracting parties, that the consuls and Vice consuls of the United States in the ports of Belgium, and, reciprocally, the consuls and Vice-Consuls of Belgium in the ports of the United States shall continue to enjoy all the privileges, protection and assistance, usually granted to them and which may be necessary for the proper discharge of their functions. The said consuls and Vice Consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end, they shall apply in writing to the competent, local authorities, and they shall prove, by exhibition of the vessels crew list, or other document, or, if she shall have departed, by copy of Said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall moreover, receive all aid and assistance, in searching for, seizing and arresting such deserters, who shall, upon the requisition and at the expense of the consul or Vice-Consul, be confined and Kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty and shall not again be arrested for the same cause. It is, however, understood, that seamen of the country in which the desertion shall occur are excepted from these provisions, unless they be naturalized citizens or subjects of the other country.

ARTICLE XVIII

Articles of all Kinds the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the rail-roads of the state.

ARTICLE XIX

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other, at the end of ten years above mentioned; and it is agreed, that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

ARTICLE XX

This treaty shall be ratified and the ratifications shall be exchanged at Washington within the term of six months after its date, or sooner if possible; and the treaty shall be put in execution, within the term of twelve months.

In faith whereof, the respective Plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals, Brussels the tenth of November eighteen hundred & forty five.

THOS. G. CLEMSON	[SEAL]
DECHAMPS	[SEAL]